[fol. 101] [File endorsement omitted]

IN THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

347 U.S.
FRA-GE
15

No. 11,144

IVAN N. FRAVER, Appellant

v.

THE STUDEBAKER CORPORATION

STIPULATION EXTENDING TIME FOR FILING OF APPELLEE'S BRIEF—Filed September 25, 1953

Due to the absence in Europe of William H. Webb, Esquire, Pittsburgh patent counsel for the appellee in the above-entitled case, it is hereby stipulated and agreed that the time for filing and serving the appellee's brief is extended until and including November 2, 1953.

William J.Ruano, Counsel for Appellant; William H. Eckert, Smith, Buchanan, Ingersoll, Rodewald & Eckert, Counsel for Appellee.

Approved: William H. Hastie, Circuit Judge, September 25, 1953.

[fol. 102] IN THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 11,144

IVAN N. FRAVER, Plaintiff-Appellant

v.

THE STUDEBAKER CORPORATION

Appeal from the United States District Court for the Western District of Pennsylvania

Argued December 7, 1953

Before Kalodner, Staley and Hastie, Circuit Judges

OPINION OF THE COURT—Filed December 16, 1953

Per Curiam:

The plaintiff brought suit in the United States District Court for the Western District of Pennsylvania for in-

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fringement of his patent on car heating, cooling and ventilating means. The case was tried before a jury which returned a general verdict in his favor in the sum of $79,250 with costs. Judgment was entered on this verdict.

Pursuant to defendant's motion under Rule 50 of the Federal Rules of Civil Procedure, the District Court, by Order, set aside the jury's verdict and directed judgment [fol. 103] in favor of the defendant. The District Court's action was premised on its determination that plaintiff's patent was invalid and moreover that it was not infringed by the defendant's device.

After examining the briefs and the record and having considered the arguments of counsel, we are convinced that the District Court did not err. We need add nothing further to what has been so well stated by Judge Marsh in his analysis of the evidence and the applicable law, and accordingly, the Order of the Court below will be affirmed upon his opinion.

[fol. 104] IN THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 11,144

IVAN N. FRAVER, Appellant

vs.

THE STUDEBAKER CORPORATION

On Appeal from the United States District Court for the Western District of Pennsylvania

Present: Kalodner, Staley and Hastie, Circuit Judges.

JUDGMENT—December 16, 1953

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this Court that the order and judgment of the said District Court in this case be, and the same is hereby affirmed, with costs.

[File endorsement omitted.]

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IN THE

United States Court of Appeals

FOR THE THIRD CIRCUIT

No. 11,144

IVAN N. FRAVER,
Plaintiff-Appellant,

vs.

THE STUDEBAKER CORPORATION.

PETITION FOR REHEARING FOR APPELLANT

APPEAL FROM ORDER AND JUDGMENT OF THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA IN CIVIL ACTION 7828.

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